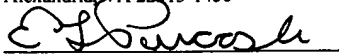
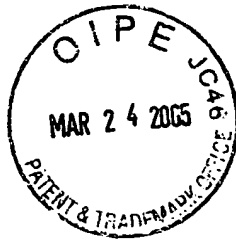


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Commissioner for Patents  
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Alexandria, VA 22313-1450

  
Attorney for Applicant



IFW

Date: 22 March 2005

Application No. : 10/797,958  
Applicant : Stephen Brushey  
Filed : 10 March 2004  
TC/A.U. : 3763  
Examiner : Not Yet Assigned

Atty. Docket No. : DB000841-007  
Customer No. : 24122

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Enclosed for filing in the above-captioned application, please find the following:

- An Information Disclosure Statement;
- Form PTO SB/08A;
- Form PTO SB/08B; and
- copies of seven (7) cited references.

Also enclosed is a return postcard. Please date stamp and mail the postcard in order to acknowledge receipt of the above-reference correspondence. The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to our Deposit Account No. 20-0888. A duplicate copy of this transmittal is enclosed.

Respectfully submitted,



Edward L. Pencoske  
Reg. No. 29,688  
Thorp Reed & Armstrong, LLP  
One Oxford Centre  
301 Grant Street, 14<sup>th</sup> Floor  
Pittsburgh, Pennsylvania 15219-1425  
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Attorney for Applicant

Dated: 22 March 2005

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To: Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

#### Information Disclosure Statement

Sir:

Pursuant to the provisions of 37 CFR §§1.56 and 1.97-98, enclosed herewith is:

☒ Form PTO/SB/08A

☒ Form PTO/SB/08B

listing references for consideration by the Examiner.

Copies of seven (7) cited references are enclosed.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is "prior art" to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability as defined in 37 CFR §1.56, or that no other material information exists, and shall not be construed as an admission against applicant(s) interest in any manner.

The Information Disclosure Statement submitted herewith is being filed pursuant to:

- ☐ 37 C.F.R. §1.97(b)(1); no fee is required;  
OR
- ☐ 37 C.F.R. §1.97(b)(2); no fee is required;  
OR
- ☒ 37 C.F.R. §1.97(b)(3); no fee is required;  
OR
- ☐ 37 C.F.R. §1.97(b)(4); no fee is required;  
OR
- ☐ 37 C.F.R. §1.97(c);  
AND either

☐ The fee set forth in §1.17(p) is attached; OR

Applicant certifies pursuant to 37 CFR §1.97(e) that:

- ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item contained in the Information Disclosure Statement was known to any individual designated under 37 CFR §1.56(c) more than three months prior to the filing of this statement;

OR

- ☐ 37 C.F.R. §1.97(d); the fee set forth in §1.17(p) is attached,  
AND
- ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item contained in the Information Disclosure Statement was known to any individual designated under 37 CFR §1.56(c) more than three months prior to the filing of this Statement.

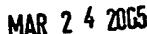
Applicant respectfully requests that the listed references be considered by the Examiner, and that the Examiner acknowledge consideration of these references by initialing and returning a copy of the attached form(s) with the next Official Action.

Respectfully submitted,

Dated: 22 March 2005



Edward L. Pencoske  
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Thorp Reed & Armstrong, LLP  
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Substitute for form 1449/PTO

*(Use as many sheets as necessary)*

Sheet	1	of	2
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**Complete if Known**

Application Number	10/797,958
Filing Date	22 March 2005
First Named Inventor	Stephen Brushey
Art Unit	3763
Examiner Name	Not Yet Assigned
Attorney Docket Number	DB000841-007

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> *Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			
		WO 99/04705	02-04-1999	TSUI, Ban, C.		
		WO 98/33547	08-06-1998	Mayo Foundation		
		DE 31 02 142 A1	01-23-1981	Gerhard Herlitz		
		EP 0 966 922 A1	05-27-1999	Pajunk et al		
		EP 0 759 307 A2	08-13-1996	STERIMED		

Examiner Signature		Date Considered	
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	10/797,958
		Filing Date	22 March 2005
		First Named Inventor	Stephen Brushey
		Art Unit	3763
		Examiner Name	Not Yet Assigned
Sheet 2	of 2	Attorney Docket Number	DB000841-007

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		STANLEY J. SARNOFF, M.D. and L. CHARLOTTE SARNOFF, Prolonged Peripheral Nerve Block By Means of Indwelling Plastic Catheter. Treatment of Hiccup, ANESTHESIOLOGY, May 1951, pages 270-275, Volume 12, The American Society of Anesthesiologists, Inc.	
		STANLEY J. SARNOFF, M.D., Functional Localization of Intraspinal Catheters, ANESTHESIOLOGY, May 1950, pages 360-366, Volume 11, The American Society of Anesthesiologists, Inc.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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